

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

---

Don J.R.,<sup>1</sup>

Case No. 23-cv-3221 (DJF)

Plaintiff,

v.

**ORDER**

Martin J. O'Malley,  
*Commissioner of Social Security  
Administration,*

Defendant.

---

This matter is before the Court on Plaintiff's Unopposed Motion for Attorneys Fees Under the Equal Access to Justice Act ("Unopposed Motion") (ECF No. 18). The parties agree that the Court should award \$7,400.00 in attorney's fees and \$402.00 in costs under the Equal Access to Justice Act, 28 U.S.C. § 2412(a)(1), (d)(1)(A), (d)(2)(A) ("EAJA").

Based on the parties' agreement, the Court grants the Unopposed Motion. The Government shall pay Plaintiff \$7,400.00 in attorney's fees and \$402.00 in costs. In accordance with *Astrue v. Ratliff*, 560 U.S. 586 (2010), the EAJA fees awarded pursuant to this Order may be subject to offset to satisfy any preexisting debt Plaintiff may owe the United States. If, after receiving the Court's EAJA fee order, the Commissioner: (1) determines that Plaintiff does not owe a debt that is subject to offset under the Treasury Offset Program; and (2) agrees to waive the requirements of the Anti-Assignment Act, then the EAJA fees will be made payable to Plaintiff's attorney, **Karl E. Osterhout**. However, if there is a debt owed under the Treasury Offset Program, the

---

<sup>1</sup> This District has adopted a policy of using only the first name and last initial of any nongovernmental parties in orders in Social Security matters.

Commissioner cannot agree to waive the requirements of the Anti-Assignment Act, and the remaining EAJA fees after offset will be paid by a check made out to Plaintiff.

Any checks issued for payment (regardless of whether the check is made out to the Plaintiff or to Plaintiff's attorney), shall be delivered to Plaintiff's attorney at **Osterhout Disability Law, LLC**, 521 Cedar Way, Suite 200, Oakmont, PA 15139.

**SO ORDERED.**

Dated: July 10, 2024

*s/ Dulce J. Foster*

Dulce J. Foster

United States Magistrate Judge